

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05-CR-00216-RJC

USA

v.

QUALO MARTEZ LOWERY

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ORDER

THIS MATTER comes before the Court upon the defendant's Motion to Dismiss Indictment/Information, (Doc. No. 257), and his Motions for Default Judgment, (Doc. Nos. 259, 261).

In the instant motion, the defendant claims that the indictment failed to detail overt acts of the alleged conspiracy and the information filed pursuant to 21 U.S.C. § 851 failed to allege valid predicate convictions. However, such claims were required to be raised prior to trial, Federal Rule of Criminal Procedure 12(b)(3)(B), and sentencing, 21 U.S.C. § 851(b), (c), respectively.¹

IT IS, THEREFORE, ORDERED that the defendant's Motion to Dismiss Indictment/Information, (Doc. No. 257), and his Motions for Default Judgment, (Doc. Nos. 259, 261), are **DISMISSED**.

Signed: January 13, 2017


Robert J. Conrad, Jr.
United States District Judge



¹ The defendant's collateral attack on his conviction and sentence was previously denied. (Case No. 3:09-cv-260, Doc. No. 5: Order).